

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MIMI'S SWEET SHOP, INC.,

Plaintiff,

v.

CHARTER TOWNSHIP OF LANSING, et al.,

Defendants.

Case No. 1:18-cv-337

HON. JANET T. NEFF

ORDER

The Court having conducted a Pre-Motion Conference with counsel on August 13, 2018 concerning Defendants' proposed dispositive motions (ECF Nos. 24, 26 & 27):

IT IS HEREBY ORDERED, consistent with Plaintiff's counsel's representation on the record, that Count 5 ("Price Fixing") and Count 6 ("Interstate Land Sales Act") of Plaintiff's First Amended Complaint (ECF No. 2) are WITHDRAWN.

IT IS FURTHER ORDERED, having considered the claims at issue and the circumstances of the case, that the Court's preliminary determination under 28 U.S.C. § 1367(c)(2) and (c)(4) is to decline to exercise supplemental jurisdiction over the state-law claims in Count 9 ("Breach of Contract"), Count 10 ("Breach of Contract") and Count 11 ("Interference with a Contractual Relationship") of Plaintiff's First Amended Complaint (ECF No. 2) for the reasons stated on the record. Absent persuasive reasoning to the contrary, filed in writing by Plaintiff's counsel not later than September 12, 2018, Counts 9, 10 and 11 will be dismissed without prejudice.

IT IS FURTHER ORDERED that Plaintiff shall, not later than September 12, 2018, file a Second Amended Complaint consistent with the discussion at the Pre-Motion Conference,

including (1) the correction of Defendant Hayward's name; (2) an indication of which Defendant is named in which count; (3) an overall re-assessment of the merits of Plaintiff's federal claims; and (4) a re-casting of the federal claims to avoid multi-sentence allegations.

IT IS FURTHER ORDERED that the requests to proceed with briefing dispositive motions (ECF Nos. 24, 26 & 27) are DENIED without prejudice.

IT IS FURTHER ORDERED that Defendants shall, within 14 days of the filing of the Second Amended Complaint, file either an Answer to the Second Amended Complaint or second Pre-Motion Conference Requests, with a proposed briefing schedule.

Dated: August 14, 2018

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge